

REMARKS

Claims 32-47 are pending for prosecution. Claims 33-35 and 40 have been cancelled and claims 32, 36-39 and 41-44 have been amended.

The Examiner and Applicants discussed these comments at length during a telephone interview on July 20, 2010. A revised independent claim 32 was agreed upon, which is presented above. The dependent claims have been amended with a view to rendering them consistent with the approved amended claim 32.

Rejection under 35 U.S.C §102 and 35 U.S.C 103

The rejection of claims 32, 40, 41 and 42 prior to amendment as anticipated under 35 U.S.C. §102 by the phage amino acid sequence listed by Beck is moot.

Rejection under 35 U.S.C §112 1st paragraph

Subject to the telephone interview with the Examiner, outstanding issues have been resolved and this rejection is now moot.

CONCLUSION

Applicants respectfully submit that this case is in condition for immediate allowance. Early and favorable consideration leading to prompt issuance of this Application is earnestly solicited.

Applicants submitted a notice of appeal and a petition for a three-month extension of time, together with authorization to charge Deposit Account No. 14-0740 in the amount of \$825, in the response to final office filed on April 16, 2010. Please charge any deficiencies to the same Account.

Respectfully submitted,

NEW ENGLAND BIOLABS, INC.

Date: July 27, 2010

Customer No.: 28986

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